IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

Bail Appl..No. 3407 of 2007()

CRIME NO. 306 OF 2007 OF TALIPARAMBA POLICE STATION

PETITIONERS :

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1. KONGAI MUSTHAFA, S/O.ABDULLA, AGED 36 YEARS,MUKKOLA, TALIPARAMBA P.O.,TALIPARAMBA AMSOM DESOM,TALIPARAMBA TALUK,KANNUR DISTRICT.

2. N.U.MANAF, S.O.MUHAMMED KUNHI, AGED 20 YEARS,NALARAKKETTIL UNDA HOUSE, NHATTUVAYAL,TALIPARAMBA P.O.,TALIPARAMBA AMSOM DESOM,TALIPARAMBA TALUK,KANNUR DISTRICT.

3. MOTTACHI FAIZAL, W/O.P.K.HASSAN, AGED 21 YEARS, MANNA,TALIPARAMBA P.O.,TALIPARAMBA AMSOM DESOM,TALIPARAMBA TALUK,KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI
SRI.V.JOHN SEBASTIAN RALPH

RESPONDENTS:

STATION HOUSE OFFICER, TALIPARAMBA POLICE STATION, KANNUR DISTRICT (CRIME NO.306/07 OF TALIPARAMBA POLICE STATION, KANNUR DISTRICT). REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application Nos. 3407 of 2007

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3414 of 2007

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Dated, this the 13th day of June 2007

ORDER

Petitioners in B.A. 3407 of 2007 are accused Nos. A2, A16 and A17 in Crime No. 306 of 2007 of Taliparamba Police Station for offences punishable under Sections 143, 147, 148, 448, 395 and 511 of 436 read with Sec. 149 I.P.C. Petitioners in B.A. No. 3414 of 2007 are accused Nos. A1, A9, A16, A17 and A19 of Crime No. 267 of 2007 of Taliparamba Police Station for offences punishable under Sections 143, 147, 148, 427 and 436 read with Sec. 149 I.P.C.

2. The learned Public Prosecutor opposed the application.

3. The occurrence which is the subject matter of Crime No. 267 of 2007 took place at 2.30 a.m. on 28-4-2007 when a tailoring shop was completely gutted by fire. The occurrence in Crime No. 306 of 2007 as at 12 noon on 8-5-2007 in the course of which the assailants are alleged to have trespassed into the house of the de facto complainant and damaged furniture and other house-hold articles and committed robbery of 8 sovereigns

of gold. Accused Nos. 1, 9 and 19 in Crime No. 267 of 2007 are the very same petitioners in B.A. 3404 of 2007.

4. Having regard to the nature of the offences, the duration of the judicial custody of the petitioners, the present stage of investigation and the other facts and circumstances of the case, if the petitioners are released on bail, they will definitely influence and intimidate the prosecution witnesses. There is also the likelihood of the petitioners making themselves scarce and fleeing from justice. I am, therefore, not inclined to grant bail to the petitioners at this stage.

These petitions is accordingly dismissed.

V. RAMKUMAR, (JUDGE)

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